

#### CHAPTER 4

# Time at Sea, Time on Land: Temporal Horizons of Rescue and Refuge in the Mediterranean and Europe

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#### Introduction

The international news cycle over the past five summers (2013–2017) has brought reports from the Mediterranean on a weekly basis, yet this recent international attention focuses on a process that started almost two decades ago. Since the creation of the European Union and its unified border regime, people trying to enter the continent aimed for Europe's southern shores. During the first five months of 2016, 1 of every 23 migrants died attempting to complete the Eurobound route in the central Mediterranean. The most famous commentator on the ongoing situation, Pope Francis, christened the Mediterranean "a massive grave" (Traynor 2014). Waves of migration triggered a reinforcement of

<sup>1</sup> https://missingmigrants.iom.int/gmdac-data-briefing-%E2%80%93-central-mediterranean-route-deadlier-ever, accessed October 22, 2017.

<sup>2</sup>Earlier, in 2013 Pope Francis chose to conduct his first Pastoral Visitation to the island of Lampedusa, where he decried 'the globalization of indifference' to migrants' deaths at sea.

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interception attempts. Interception policies deployed more naval vessels at sea, in increasingly large areas. Such interception in turn facilitated and increased migration flows (Ben-Yehoyada 2011).

At first glance, the events in the Aegean Sea and across the Balkans over the summer of 2015 seem like an increase—"unprecedented" as the Frontex report defined it (Frontex Risk Analysis Unit 2016: 8)—in the numbers of irregular migrants. In addressing these issues, advocates, officials and observers have demanded, denied, enacted or judged migration policies under an umbrella of universal hospitality. In this view, whatever the shape taken by Eurobound migration flows, in essence they all impinge on the same contradiction between universal humanity and bounded citizenship, which lies at the core of the European political order (Balibar 2004).3 Yet while the frequent images of capsized boats adrift and bodies washed ashore have drawn international attention to migrants' plight, the staging of these rescues at sea obscures a set of relationships of different temporal scales—between rescuers and rescued, interceptors and intercepted. These relationships remained mostly untapped until the summer of 2015 and have since arrived at center stage, posing alternative framings for current migration and interdiction.

On 20 August 2015, Barry Malone, an online editor at Al Jazeera English announced that the station "[would] not say Mediterranean 'migrants'" (Malone 2015): "There is no 'migrant' crisis in the Mediterranean. There is a very large number of refugees fleeing unimaginable misery and danger and a smaller number of people trying to escape the sort of poverty that drives some to desperation." While the word 'migration' might have seemed the more politicized companion to the depoliticizing 'mobility' a decade ago, now the debate revolved around whether the same term and its declensions were politicizing enough—whether they did justice to the political aspects of the situation. Meanwhile, the categorical and situational relationship between the two options—refugee vs. migrant, as well as the relationship to others like asylum (seekers), displaced, forced migration—itself came under consideration. Some argued that 'refugee' is a status granted through legal procedure, while others (like the Al Jazeera's piece) claimed so naming a person does not require waiting for legal decision. Some saw the terms as dichotomously

The event received global attention (Vatican 2013), which resurfaced after the disaster in Lampedusa three months later.

<sup>&</sup>lt;sup>3</sup>This has been a running thread of recent writing (Agamben 1998; Mbembe 2003; Fassin 2012; Cabot 2014).

opposed, while others saw one containing the other (Kyriakides 2016; Giudici 2013). In some aspects, this debate echoed an earlier one, which revolved around the question of the proper qualifier for 'migration'—irregular, illegal, clandestine, unauthorized or undocumented, a debate that is unfolding in various European public arenas and media scenes in parallel.<sup>4</sup> For example, the BBC adds this "note on terminology" at the bottom of relevant articles:

The BBC uses the term 'migrant' to refer to all people on the move who have yet to complete the legal process of claiming asylum. This group includes people fleeing war-torn countries such as Syria, who are likely to be granted refugee status, as well as people who are seeking jobs and better lives, who governments are likely to rule are economic migrants. (BBC News 2017)

While the terminological debate had unfolded for a much longer time and in a more general scope (Castles 2003), it was recently triggered by a specific shift of flows and attention, which itself took place in the summer of 2015. Anti-migrant actors sought to depict migrants as driven by "merely" economic reasons, and thus claimed that these should be pushed back (Perraudin 2015). Meanwhile, as the debate about Eurobound people revolved around their motivations—economic or not, such dichotomous considerations did not apply to the EU member states' reasoning. In one example, which was heavily cited, OECD researchers addressed exactly the economic effects of immigration: "In general across OECD countries, the amount that immigrants pay to the state in the form of taxes is more or less balanced by what they get back in benefits" (Keeley 2013). In other words, while less than catastrophic pragmatism was enough to make non-EU citizens unworthy of refuge, the same level of this-worldly rationality did not taint those debating whether or not to grant such refuge. Against that, the decision to use the term "refugees" emphasized that "the overwhelming majority of these people are escaping war" (Malone 2015). Both sides argued that the situation was one of 'crisis'—whether of 'immigration' or of 'refugees'.

In this chapter, I compare two ongoing central scenes of migration—over sea and over land—to reveal how the crux of the current situation resides not in migration as a problem but in the dynamic relationship of migration and its interdiction, specifically in the discrepant temporalities

<sup>&</sup>lt;sup>4</sup>I thank Anne-Christine Trémon for this observation.

(see Introduction) that inform justifications for migration and interdiction. This relationship includes corresponding changes in migration flows, in interception policies and in the framings that politicians, officials, journalists and activists use to understand the situation. Here, I focus on this third dimension: the interplay between the sea of brotherhood and the fields of care. Through this I make several related claims: First, the changes involved a shift not only in number of people but also in kind. Second, the question regarded not only the qualities or characteristics of the persons themselves—migrants or refugees—but also and crucially, the relationship between them and their oft-reluctant hosts. Third, this question therefore permitted a set of relationships of different temporal scopes and their corresponding geopolitical casting orders and potential responsibilities.

To do so, I follow the differences in the framing of migrants' projects between the two routes, which were articulated in 2015. The maritime scene has cast migrants in danger of drowning as the emblems of abstract humanity (Albahari 2015a) and has brought to the fore the obligation of universal hospitality, which requires neither context nor history—'the sea of (abandoned) brotherhood'. On the contrary, the landed Western Balkan route into and across European member states have cast migrants as refugees of war, demanding and meriting (depending on point of view) refuge, aid and hospitality—'the fields of care'; these routes invoked both a context and a history (Kallius et al. 2016). The image of the route itself stretched beyond landfall in Europe and to migrants' paths throughout EU territory. As a result, the obligation that these scenes posed to Europeans and their institutions changed as well: from one of humanitarian benevolence to retributive justice and historical accountability.

This chapter thus seeks to contribute to the volume's articulation of migration's discrepant temporalities an analysis of the tensions and distinctions that the different framings of migration condition. How, I ask, do temporal discrepancies shape the landscapes of migrants' potential ways of action? I address this question in the light of European political cosmology: how does that political cosmology interact with the labor process of migration/mobility on the one hand and with the spatial layout of European Union's shape, on the other? The discrepancies in the question emerge from the two main anthropological setups that circulate regarding the ongoing situation: hospitality and refuge.

<sup>&</sup>lt;sup>5</sup>This chapter continues the argument from my previous two pieces on migration and interception in the central Mediterranean (Ben-Yehoyada 2011, 2016).

Hospitality ritualizes the encounter of host and guest (Pitt-Rivers 2011, 2012; Herzfeld 1987). It is intended to suspend any potential conflict with strangers and replace it with a turn-taking game of honor. In a way, hospitality ritually prohibits equality between host and guest, in the name of their potential equality and reciprocity on a wider temporal scale. As a result, hospitality *turns* equality and reciprocity into what host and guest negotiate. When they do so, they invoke the moral and political on different scales of time and space. Similarly, when people ask and give (or deny) refuge, they invoke notions of reciprocity and potential parity between refugee and would-be protector on different, often shifting scales: as human to human, citizen to citizen, state to state and so on. Yet perhaps because refuge as an institution emphasizes the force involved and the threat avoided, it focuses on the immediate difference in force between refugee-guest and protector-host, with the obligations this relationship entails.

In the current treatments of the situation, hospitality and refuge serve as emblems of two opposing stances regarding migration. The first stance demands universal hospitality regardless of the identity of the person needing it (Shryock 2009). Yet the duration of that hospitality remains temporally and politically elastic. This is mostly because hospitality—as a ritualized setup of political interaction—is supposed to be limited in space and time ("'After forty days', [the Balga Bedouin] say, 'you become one of us", Shryock 2012: S31), while no such moral demand is framed by the actors who demand it of the European Union or its members. Hence the political power of refuge and protection (Dresch 2012; Dua 2013; Scheele 2015). These terms reside in the same fountain of political imagination from which hospitality comes (Uribe-Uran 2007; Shryock 2009; Candea 2012). Yet in their borrowed form, these terms—refuge and protection—necessarily demand much more stable obligations from the state that extends them (Cabot 2014). And since the bureaucratized borrowed form of 'refuge' demands a justification for granting it as a status, all the considerations that must disappear in the language of 'universal hospitality' come here to the fore. All states are required to grant hospitality to anyone in need regardless of who they are or where they came from. At the same time, a state must consider giving refuge to people who seek it because of who they are and as a result of where they came from (Mann 2016).

While many of the people crossing the Mediterranean and intercepted by naval vessels encounter first the apparatus of 'universal hospitality' at sea and then that of 'refuge' or 'asylum' applications, the different spatio-political layout of routes in the central and eastern Mediterranean foregrounded one of the terms—'universal hospitality' or 'refuge/asylum'—and backgrounded the other, depending on routes. In other words, I suggest we may treat the sets of routes across the central Mediterranean and through Turkey, the Aegean and across the Balkans as two regional constellations in a process of formation. Along these two routes, such a process involved an interaction of cross-border practices and relations with official state or supra-state policies and projects. In this perspective, transnational regions become ever-changing, multiscalar constellations, which are animated by forms of relatedness across difference (conjured up, demanded, debated or rejected). Regions have a specificity that lends itself to an analysis of spatiotemporal complexes and the political imaginaries that they condition (Ben-Yehoyada 2017).

## TIME AT SEA

In the ongoing scene of unauthorized migration across the central Mediterranean, boat people's chances at completing their journeys increasingly depend on civilian and military vessels coming to their rescue or, more recently, trying to block such rescue. The temporal discrepancies underlying the dynamics of migration and interception have shaped how boat people's predicament currently unfolds at sea. Since the creation of the European Union and its unified border regime, people trying to enter the continent have aimed for Europe's southern shores. Waves of migration triggered a reinforcement of interception attempts, and interception in turn facilitated and increased migration flows. The dynamics of migration and interception have conditioned a growing overlap between two projects regarding the transnational maritime space of the Mediterranean (Feldman 2011; Andersson 2014). These two projects are the expansion of the EU's de facto sovereignty over European soil and at sea and human rights advocacy for those who try to cross it. Now, sovereignty and human rights may seem opposed political projects; but, together the two have framed the treatment of unauthorized migration under universal hospitality and promoted the expansion of European interception of seaborne migration. Both the EU and human rights advocates promote a view of universal humanity as a kind of future global order of ubiquitous human rights—an order that is based on panhuman sameness, equality and brotherhood—and one which is yet to be established. This future moral ideal has justified the EU in expanding its control over maritime space under its claim to lead the world in the spread of the same human rights.

To curb clandestine flows, the European Union 'extra-territorialized' border enforcement on 'the high seas' under the umbrella of 'the law of the sea'. The justification for the project also gradually shifted from "the 'fight' against clandestine immigration and terrorism" during the 2000s (Andrade 2010: 312), to the moral obligation to save human lives in danger under the "law of the sea" (Strik 2014). At the same time, human rights advocates use this future ideal to criticize current EU policies as lacking, and the EU as a sort of 'bad host'. As a result, these two conceptual umbrellas gradually 'territorialized' the Mediterranean: they turned it into an abstract space of projected universal rights, individuals in need of care and land-like territorial sovereignty.

For a short while before the onset of the Arab Spring, this set of policies practically emptied the Mediterranean of its (legal) waters, as it were: EU vessels that caught unauthorized migrants before landing in Italy could take them to North African harbors rather than to the Italian shore. Italy and the European Union's border agency justified these "push-back" policies by breaking the hospitality sequence into two parts—rescue and safe harbor. European vessels intercepted migrants' boats under pretense of rescue. But European policies stopped the ramifications of 'universal hospitality' at sea: once the migrants were rescued from drowning, they required no further Italian or European hospitality. This selective application convinced neither Human Rights advocates nor the UN High Commissioner. As a result, in 2012 the European Court of Human Rights condemned Italian and EU "push-back" policies. To do so, the court prolonged the hospitality sequence from the moment of encounter at sea to the relationship and obligation it triggered. Interception brought migrants under Italian jurisdiction, and Italian obligation applied from that moment onwards (Ben-Yehoyada 2016). Refuge entailed hospitality.

A series of disasters at sea, most notably the Lampedusa migrant ship-wreck in October 2013, brought the Italian government to deploy a relatively autonomous interception operation in the central Mediterranean, titled *Mare Nostrum* (Albahari 2016). The operation lasted for a year and transformed at the end of October 2014 into a renewed EU-wide Frontex-led operation, *Triton*. Since the end of the *Mare Nostrum* operation in October 2014, the migrants' fate latched onto the rhythmic activities of the seafarers who spotted their boats. The temporal horizons underlying both the moralizing calls to save lives at sea and the postulations of states' and unions' political exigencies fixed the oscillating rhythm of search and rescue and, as a result, of boat people's survival chances. The gradual attention to

lives lost at sea has oriented European interception policies seemingly towards an eschatological consideration of the global reach of human rights. At the same time, intra-European institutional debates have paced the changes in these policies according to segmentary dynamics which the European Union itself undergoes, among member states and, more recently, with some non-state and transnational organizations as well.

# NO MORE TIME AT SEA

The reconstruction of the course of events in this segmentary dynamics goes beyond the scope of this chapter.<sup>6</sup> Instead, I will demonstrate how the current situation (summer 2017), though very different in shape, presents a recognizable variation on the same themes. Until recently, migrants encountered two kinds of seafarers: civilian, dissuaded by themselves and by European policies from rescuing migrant vessels in distress; and military, whose standing orders condition rescue upon the possibility of 'pushing back' those intercepted to non-European shores. In the summer of 2107, after the two main rivals in Libya signed a cease-fire accord (Wintour and Stephen 2017), the Italian Navy was set to begin patrols inside Libyan territorial waters (Balmer 2017). Two other kinds of vessels have been navigating the southern parts of the central Mediterranean: NGO-operated vessels that rescue boats carrying migrants (Pezzani and Heller 2017), and European far-right organizations like the French-based group Génération identitaire (GI), attempting to stop or interfere with rescue NGO activities (Hakim 2017). These recent developments make the central Mediterranean migration route similar to the situation along the US-Mexico border in terms of the non-governmental organization mobilizing for or against the crossings (Magana 2008; Mezzadra and Neilson 2013). Early in August, deeper interactions emerged between these two opposing groups. In early August, the Public Prosecutor of the Province of Trapani (in Sicily) arrested the ship Iuventa of the NGO Jugend Rettet (one of five such vessels; D'Amato 2017). An undercover police officer onboard had allegedly documented at least one case in which the *Iuventa* crew communicated and cooperated with migrant smugglers at sea (Palladino 2017). However, it soon turned out that the information was provided by people associated with the far-right organization and its ship, the C-Star. Several days later, Tunisian fishermen in

<sup>&</sup>lt;sup>6</sup> See the reports by Forensic Oceanography (Pezzani and Heller 2013, 2016, 2017).

Zarzis, close to the Libyan border, prevented the same C-Star, "racist criminal migrant-hunters", from docking in their port (AFP 2017).<sup>7</sup>

Through a renewed agreement with Libya, Italy and the European Union have reestablished their attempt "to empty the Mediterranean of its (legal) waters." As with the Berlusconi–Gaddafi 2009 agreement, now a European country has taken the steps necessary to reduce boat people's capacity to demand refuge on the high seas. And it is exactly this attempt to empty the sea-stretch between Libya and Italy from any protection-inducing space that explains the vigor with which the same Italian government is now seeking to curb NGO rescue operations in the same waters. Since Italian vessels can return intercepted boats to Libyan ports, NGO vessels are the only ones conducting a concerted effort to save people and, eventually, bring them to European shores.

## TIME ON LAND

The primacy of the Mediterranean in the debate about Eurobound migration continued until the spring of 2015. Since June of that year, international news cycles during the summer have hosted two kinds of images from around Europe and the Mediterranean. The example of the first kind of image—perhaps the most infamous—was of the small body of Aylan Kurdi, from the Kurdish town of Kobani in Syria, on the shore near Bodrum, on the southwestern Turkish coast. <sup>10</sup> The other was of protests, marches and occupations by migrants—many of whom had survived the

<sup>&</sup>lt;sup>7</sup>The call to stop the ship from berthing in Zarzis read on Twitter: https://twitter.com/MadjidFalastine/status/894134880401063937.

<sup>&</sup>lt;sup>8</sup> https://www.hrw.org/news/2009/06/09/italy/libya-gaddafi-visit-celebrates-dirty-deal, accessed October 22, 2017.

<sup>&</sup>lt;sup>9</sup>This is the concern that the European Commissioner for Human Rights raised in his letter to the Italian Minister of the Interior; https://www.coe.int/en/web/commissioner/-/commissioner-seeks-clarifications-over-italy-s-maritime-operations-in-libyan-territorial-waters, accessed October 22, 2017.

<sup>&</sup>lt;sup>10</sup>The image circulated on Wednesday, 2 September 2015, the day it was taken. Three-year-old Aylan Kurdi died together with is mother and 5-year-old brother when their boat capsized between the coast near Bodrum and the Greek island of Kos (Smith 2015): "Greek authorities, coping with what has become the biggest migration crisis in living memory, said the boy was among a group of refugees escaping Islamic State in Syria" (my emphasis). The shocking images soon became the topic of conversation as much as the event they captured (Elgot 2015; Istanbul and Toronto 2015; Tharoor 2015).

sea-crossing and were now trying to make it out of places like Italy and Hungary and into places like Austria, Germany and France.<sup>11</sup>

At first glance, these two images belong together—both illustrate the plight of migrants and the obligation and responsibility this plight invokes (or should) of Europeans and their institutions. From this perspective, the central role of refugee mobilization on European soil seems like a continuation of the earlier one of scenes from the sea. This is true in two senses and along two temporal sequences. The first sequence is that of the migration route, which often starts at sea and then continues across several borders on land. The second is in the short history of Eurobound migration, where the current attention to refugees is couched in the humanitarian terms that have accompanied the process throughout. Presented together, these two types of images depict the current situation as a quantitative, if unprecedented, intensification of the 'problem' of migration, a problem which is in essence the same problem.

Yet this view of continuity is misleading. The events of the 2017 summer and autumn introduced a significant change in the dynamics of Eurobound migration over the last decade—a change of not just quantity but kind. The first evident change is that the attention of European authorities and public opinion has turned from a focus on the sea to a combined focus on the Mediterranean and the Western Balkan route. This change in attention is partly explained by the shift in the routes themselves and in part by interception and interdiction efforts. The severity of the perceived threat to European integrity emerged when the German and Turkish governments asked NATO to deploy ships to interdict the migration route in the Aegean in February 2016, lasting until October that year, when it morphed into Operation Sophia (Zhukov 2016). The severity of the perceived threat to European integrity emerged when the German and Turkish governments asked NATO to deploy ships to interdict the migration route in the Aegean in February 2016, lasting until October that year, when it morphed into Operation Sophia (Zhukov 2016).

The second change in the dynamics of Eurobound migration is that the route is considered as ending not upon arrival on EU soil but at the last EU stop in the migrants' projected voyage. The showdown around the Hungary–Austria border, for example, occurred not on the external border of the EU but along that between two member states. This has to do

<sup>&</sup>lt;sup>11</sup>The action that came to be known as 'the march of hope' began on Friday, 4 September, and immediately made the news cycle (Henley and Agencies 2015).

<sup>&</sup>lt;sup>12</sup>The route across the Aegean and then the Balkan states requires Frontex to count migrants twice—a cause for critique and debate (Frenzen 2015).

<sup>&</sup>lt;sup>13</sup> See the centrality of that route in the last quarterly report, for example on pages 8–9 (Frontex Risk Analysis Unit 2015).

<sup>&</sup>lt;sup>14</sup> See also NATO's annual report 2016, p. 53.

with more than geographical difference. Migrants (including applicants for refuge) arriving in Italy have for years declared their wish to continue to countries like Germany and France. Nevertheless, their problem was considered resolved once they were rescued at sea, before their arrival on EU soil—therefore dismissing whatever further goals they might have as irrelevant. Of the various explanations I've heard people in and around Sicily offered for this difference, the two that stood out were that migrants in the Balkan Route were framed as Syrians, that is, Middle Eastern (and even possibly Christians), whereas the emblematic image of migrants in the central Mediterranean route is of sub-Saharan Africans.

Whatever the explanation for this difference, the resulting third change is in the framing of migrants' projects between the two routes: whereas the overarching framing for addressing the Mediterranean situation is that of "saving lives", 15 the paramount scheme regarding trans-Balkans migrants has emerged as the 'refugee crisis' and migrants themselves were often called 'Syrian refugees' (e.g., Tharoor 2015; Albahari 2015b; Chrisafis 2015; Chrisafis and Agencies 2015).

Finally, these differences in the temporal and spatial framing of migration between the central Mediterranean and the Western Balkan routes culminate in the different role of context and history in their treatments. The maritime scene has cast migrants in danger of drowning as emblems of abstract humanity and has brought to the obligation of universal hospitality to the forefront; the demand for action this invokes requires no context or history. Against this horizon of universality, the landed routes into and across European member states have migrants as refugees of war. This framing invokes a different temporal and spatial scheme. The story of migration that it tells includes both a context and a history. In this history, European institutions appear not only as potential saviors or protectors, but also as responsible for the causes for refugees' plight. When advocates, journalists and activists emphasize the wars in Afghanistan, Iraq and Syria, they set the migrant predicament on a spatio-temporal stage that relates European citizens and institutions to those migrants beyond the moment of welcome or trespass. This relationship precedes the moment of rescue,

<sup>&</sup>lt;sup>15</sup>This framing surfaced during 2011 and then stabilized as the basis for critique of EU policies in the Mediterranean "disaster of Lampedusa" in October 2013 (Sunderland 2012; Strik 2012, 2014).

protection or mobilization.<sup>16</sup> The obligation it demands is of retributive justice, not humanitarian benevolence.

The invocation of history carries another effect: it discriminates among European states and institutions according to their perceived role in bringing about the catastrophes that triggered refugees' quest. Here the effects of this year's 'refugee crisis' has on the shape of the EU's operation differ most clearly from those of Mediterranean operations over the last several years. The gradual framing of interception at sea as saving migrants from drowning had a consolidating effect on EU operations. The events of the summer and fall of 2015 seem to have had a reverse effect, at least initially: the political accounting that we are witnessing has opened numerous fronts within the territory and the structure of the EU.

We should hardly expect political office holders to spell out the connections between Euro-American interventions in Afghanistan, Iraq and Syria and refugees' current plight and direction (it is much easier to blame ISIS). Nor does it take a stretch of the historical imagination to see that imperialism, colonialism and capitalism could potentially perform a similar contextualizing work—to link the chains of migrants' preset lives with the past atrocities wrought on their countries by European powers. Yet in the current state of historical political accounting, this is not the case: in this respect, most people start counting at around the year 2001. At the same time, these officials' negotiations over refugee quotas—as during the Brussels summit in late October 2015 (Chrisafis 2015)—imply exactly this temporal and spatial connection between the recent past, the ongoing present and the demand for actions in the future.

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<sup>16</sup>This framing has appeared on various platforms (*The Guardian* 2015; "Who Is Responsible for the Refugee Crisis in Europe?" n.d.; "Europe's Refugee Crisis Isn't Only About Syria" n.d.; "The Iraq War: The Root of Europe's Refugee Crisis—Al Jazeera English" n.d.; "Refugee Crisis in Europe Exposes Asylum Policy Shortcomings–SPIEGEL ONLINE" n.d.).

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